

Senate Bill No. 432

CHAPTER 49

An act to amend Section 1203c of the Penal Code, relating to restitution.

[Approved by Governor August 5, 2009. Filed with
Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 432, Runner. Crime victims: restitution.

Existing law requires the probation officer of the county from which a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation to send to the department a report of the circumstances surrounding the offense and the prior record and history of the defendant, as specified.

This bill would, in addition, authorize the probation officer of the county from which a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation to send to the department a victim's contact information, if the victim consents, when the court has ordered the defendant to pay restitution to the victim, as specified. This bill would state that the victim's contact information would remain confidential, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 1203c of the Penal Code is amended to read:

1203c. (a) (1) Notwithstanding any other provisions of law, whenever a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation, whether probation has been applied for or not, or granted and revoked, it shall be the duty of the probation officer of the county from which the person is committed to send to the Department of Corrections and Rehabilitation a report of the circumstances surrounding the offense and the prior record and history of the defendant, as may be required by the Secretary of the Department of Corrections and Rehabilitation.

(2) If the person is being committed to the jurisdiction of the department for a conviction of an offense that requires him or her to register as a sex offender pursuant to Section 290, the probation officer shall include in the report the results of the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) administered pursuant to Sections 290.04 to 290.06, inclusive, if applicable.

(b) These reports shall accompany the commitment papers. The reports shall be prepared in the form prescribed by the administrator following

consultation with the Corrections Standards Authority, except that if the defendant is ineligible for probation, a report of the circumstances surrounding the offense and the prior record and history of the defendant, prepared by the probation officer on request of the court and filed with the court before sentence, shall be deemed to meet the requirements of paragraph (1) of subdivision (a).

(c) In order to allow the probation officer an opportunity to interview, for the purpose of preparation of these reports, the defendant shall be held in the county jail for 48 hours, excluding Saturdays, Sundays and holidays, subsequent to imposition of sentence and prior to delivery to the custody of the Secretary of the Department of Corrections and Rehabilitation, unless the probation officer has indicated the need for a different period of time.

(d) Whenever a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation and the court has ordered the person to pay restitution to a victim, the following shall apply:

(1) If the victim consents, the probation officer of the county from which the person is committed may send to the Department of Corrections and Rehabilitation the victim's contact information and a copy of the restitution order for the purpose of distributing the restitution collected on behalf of the victim.

(2) The contact information shall remain confidential and shall not be made part of the court file or combined with any public document.